

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
4:05CV256-M-D DIVISION**

**ELSTER JOSEPH PONTHEUX (# 41909)**

**PLAINTIFF**

**v.**

**NO. 4:05CV256-M-D**

**DAVID BRADFORD, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated November 15, 2006, and the November 27, 2006, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED:**

1. That the Report and Recommendation of the United States Magistrate Judge dated November 15, 2006, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the instant case is hereby **DISMISSED** with prejudice as frivolous and malicious, counting as a "strike" under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).
3. That this case is **CLOSED**.

THIS, the 27<sup>th</sup> day of February, 2007.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**